

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID PALAMARYUK,

Plaintiff,

v.

KIRSTJEN NIELSON,¹ Secretary of the United
States Department of Homeland Security;
THOMAS D. HOMAN, Acting Director,
Immigration and Customs Enforcement and
BRYAN WILCOX, Acting Field Office
Director, Immigration and Customs
Enforcement, Seattle Field Office,

Defendants.

CASE NO. C17-441-MJP-JPD

STIPULATION AND ORDER OF
DISMISSAL

Note on Motion Calendar:

March 14, 2018

Plaintiff and Defendants have conferred and agree as follows:

1. Defendants agree that Plaintiff will remain housed at the Northwest Detention Center in Tacoma, Washington until any one of the following events occurs:
 - a. Defendants release Plaintiff from detention; or

¹ Kirstjen Nielson has been sworn in as Secretary of the United States Department of Homeland Security. Pursuant to Fed. R. Civ. P. 25(d), she is automatically substituted for Elaine Duke as the proper party in her official capacity.

1 b. Plaintiff has a final removal order for which the 30 day appeal window
2 under 8 U.S.C. § 1252(b)(1) has lapsed and Plaintiff has not received a
3 judicial stay of removal; or
4
5 c. Plaintiff has a final removal order and has waived appeal; or
6
7 d. The judicial stay of removal is no longer in effect; or
8
9 e. The agency determines that it must transfer plaintiff to another facility for
10 his own health. Should a medical emergency arise, the Agency will transfer
11 Plaintiff to another facility for treatment if he cannot be effectively treated at
12 the Northwest Detention Center. Upon resolution of the health crisis or
13 concerns, and as soon as practicable, the Agency will return the Plaintiff to
14 the Northwest Detention Center.

15 2. The Parties agree that pursuant to the Equal Access to Justice Act and the
16 Rehabilitation Act, the United States will pay to plaintiff's counsel attorney's
17 fees in the amount of \$17,500 (the "Attorney's Fees"). Other than the
18 Attorney's Fees specified herein, plaintiff is not entitled to further fees, costs, or
19 damages of any kind.
20

21 3. The parties further agree that neither party admits any wrongdoing in this
22 matter. The parties are entering into this stipulation of resolution to avoid
23 further litigation.
24

25 4. This matter can be dismissed with prejudice.
26

27 5. This Court retains jurisdiction to enforce the terms of this stipulation.
28

Respectfully submitted this 14th day of March, 2018.

Dated this 14th day of March, 2018.

SUNBIRD LAW, PLLC

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Attorneys for Plaintiff

Dated this 14th day of March, 2018.

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s/ Gladys M. Steffens Guzmán

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Civil Division, Office of Immigration

Litigation

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Attorney for Defendants

ORDER

The parties having so stipulated, IT IS ORDERED. This matter is dismissed with prejudice under the terms set forth above.

Dated this 15th day of March, 2018.



Marsha J. Pechman

United States District Judge